

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41227 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners, seeking the following relief:

“For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon’ble court may be pleased to issue a Writ, order or direction, one more particularly one in the nature of writ of "Mandamus" declaring the action of the respondents No.1 to 3 herein in not initiating action against the illegal construction that is being undertaken by the 4th respondent herein in H.No.16-7-466, Harilal Bagh, Azampura, Hyderabad has been illegal, arbitrary, unconstitutional and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and the Rules made there under and consequently direct the respondents 1 to 3 to forthwith demolish the illegal constructions being made by the 4th respondent in H.No.16-7-466, Harilal Bagh, Azampura, Hyderabad and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *C.Naresh Reddy*, learned counsel for the petitioners, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *Pasham Krishna Reddy*, learned Standing Counsel representing the Greater Hyderabad Municipal Corporation, appearing for the respondents 2 & 3. I have perused the material record.

3. The submissions and grievance of the writ petitioners, in brief, are as under: The 4th respondent, who is a highly influential person, having obtained a building permission for construction of stilt, ground plus two upper floors, unauthorizedly and illegally constructed two more upper floors and he is proceeding to construct one more upper floor in violation of the building permit and the Rules governing the

construction of buildings and that despite a complaint made *vide* representations, dated 04.10.2017 and 24.10.2017, to take appropriate legal action against the unauthorised and illegal constructions being made by the 4th respondent, no action is being taken by the respondents 1 to 3.'

4. At the hearing, learned counsel for the petitioners would submit that if the respondents 1 to 3 initiate appropriate action against the said unauthorised and illegal constructions being made by the 4th respondent, in accordance with procedure established by law, and take steps for removal of such constructions, the ends of justice would be met.

5. Learned Standing Counsel, Sri *Pasham Krishna Reddy*, appearing for the respondents 2 & 3, would submit that as per oral instructions received, the 4th respondent, having initiated civil litigation and obtained orders, is preventing the respondents 1 to 3 and their staff from proceeding against the illegal and unauthorised constructions and that the said respondents are prepared to initiate action, in accordance with law, and remove the illegal constructions and, therefore, with appropriate directions, the writ petition may be disposed of.

6. Recording the submissions, the Writ Petition is disposed of directing the respondents 1 to 3 to consider and dispose of the representations, dated 04.10.2017 and 24.10.2017, of the petitioners, in strict accordance with procedure established by law, within a period of three (03) weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioners within a week thereafter. The respondents 1 to 3 are further directed

to forthwith initiate action against the illegal and unauthorised constructions, if any, made by the 4th respondent in deviation of the building permit, by following the procedure established by law and take steps, if necessary, for removal of such illegal and unauthorised constructions, as expeditiously as possible.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 14th December, 2017

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